



## **CASE REVIEW MEETING MINUTES**

**March 14, 2007, 4:00 P.M.  
3<sup>rd</sup> Floor Large Conference Room, City Hall  
3900 Main Street, Riverside, CA**

Chairman Gardner called the meeting to order at 4:00 p.m.

### **Roll Call**

Prior to Roll Call, Chairman Davidson asked that the new commissioners, Peter Hubbard and Steven Simpson, be introduced. Commissioner Percy then suggested that all other commissioners and city staff also introduce themselves.

Commissioners:

<b>Brewer</b>	<b>Davidson</b>	<b>Hubbard</b>	<b>Brandriff</b>	<b>Ward</b>	<b>Pearcy</b>	<b>Corral</b>	<b>Castro</b>	<b>Simpson</b>
✓	✓	✓	✓	✓	✓	✓	A	✓

✓ = Present    A = Absent

Staff: Mario Lara, Interim CPRC Manager; Phoebe Sherron, Sr. Office Specialist

### **CPRC Officer Elections**

Chairman Davidson turned this portion of the meeting over to Mr. Lara. Mr. Lara advised the Commission that the new commissioners were sworn in and provided with ballots. Mr. Lara advised that of nine votes, eight had been received so far. Mr. Lara advised that the votes were reviewed with Ms. Sherron and the results were as follows:

8 votes out of 9 received for Chair:        Tie – 4 / 4 vote

8 votes out of 9 received for Vice-Chair: 5 / 3 in favor of Brian Percy

Chairman Davidson asked for direction pertaining to the tie situation.

Commissioner Simpson said that he didn't know anyone on the ballot. He asked if the vote could be postponed until the end of the meeting so he could have a chance to "see people in action." He said he was willing to break the tie only if the vote were postponed until the end of the meeting.

Chairman Davidson said that he was sick and only came to the meeting to be present for the elections. He said he agreed with Commissioner Simpson's reasoning, but said he was not "up to being here."

Commissioner Brewer observed that the new commissioners don't know the people who are running. He also noted that the ballots were cast "sometime back." Mr. Lara said he had reviewed the procedures and advised the Commission that the "election is held today." He said that all sworn commissioners are eligible to vote.

Greg Priamos, City Attorney, advised as follows:

"The ballots are advisory until the commission takes a vote to accept the ballots and under the charter, you have to take action at your first meeting to elect the chair and vice-chair, so in strict compliance with the charter you have to take an action. As you know, any action outside the noticed, published meeting is not effective, so the vote is advisory. You can certainly accept it. The problem is, is that at this point, you have a 4 – 4 vote, so if you accept it, you have a new vice-chair; you have Les as your chair, who remains as chair, until you elect a new one."

Commissioner Simpson made a motion that the election take place at the end of this meeting.

Ms. Mary Shelton noted that the election has to be public.

Mr. Priamos advised that the Commission could reconvene, if it wanted, following closed session and take the issue up again.

Vice-Chair Percy asked if it would be possible to defer to another meeting or two, so that new members could get a feel for the candidates.

Mr. Priamos advised that the Charter doesn't provide for that. He advised that the Commission "...take all necessary and appropriate action to comply with the Charter today."

Chairman Davidson said that understood and agreed with Commissioner Simpson, but said he couldn't stay and that he came in only for the election done as he had planned on leaving early because he was sick. He asked for a second on Commissioner Simpson's motion.

Vice-Chair Percy asked if there were any alternative methods of handling this situation. Mr. Priamos responded, saying that Commissioner Davidson would remain chair "...until the Commission votes to appoint someone else as chair." Vice-Chair Percy noted that, in that case, the Commission could "effectively defer it even though the charter says it by taking no action." Mr. Priamos affirmed that.

Chairman Davidson said that what he was hearing was that "the Commission can elect a new chair at any time." Mr. Priamos said that, under the Charter, the chair "...sits at the pleasure of the Commission."

Chairman Davidson again asked for a second to the motion on the floor. As there was no second, he asked if there was a motion to accept election as it is.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Accept the election as it is	Simpson	Percy	5	3	0

## **Public Comment**

### **Mary Shelton**

Ms. Shelton said the reason she raised the issue of the vote being public is because most of the Case Review Meeting takes place in closed session. She said that if the election were to be deferred until after closed session then there is no announcement to the public as to when the election was being held. She noted that the election should be "a very public process." She also noted that she didn't know anything about the elections except that there was a tie. She also said she wasn't aware that the vote could be deferred until a later meeting.

Commissioner Corral said she hadn't been aware of that either and that was why she voted against the motion because the election is supposed to be public.

Ms. Shelton said that if the elections aren't done in publicly "...then nobody is going to trust this board or commission and you have enough strikes against you already..." She then asked who the candidates were. Commissioners Ward and Corral advised that Commissioners Davidson and Ward were running for chair and Commissioners Brewer and Percy were running for vice-chair.

Ms. Shelton also said that questions that were raised by the CPRC investigator's report given in February, specifically the DNA test and why there was no information given regarding the parts of the Taser from which the DNA sample was taken.

As Chairman Davidson moved to Item 4 - Closed Session, Vice-Chair Percy asked Mr. Lara if it would be possible to schedule a second election for the first meeting in April in order to give the new members a chance to get to know the candidates. Mr. Lara said it could be placed on the agenda for discussion and then go through the election process again.

Ms Sherron asked Vice-Chair Percy if he wanted it scheduled for March or April. Commissioner Brandriff asked why it wouldn't be agendized for the March 28<sup>th</sup> meeting. Vice-Chair Percy said that the issue regarding a second election has to be agendized for discussion on the March 28<sup>th</sup> agenda and then, at that time, decide on whether or not to put a second election on an April meeting agenda.

Commissioner Simpson said he certainly didn't mean to cause a problem, but said he had "... a problem voting for people who I don't know and haven't seen in action..." and would like to have at least one full meeting to see how people work before I voted.

Commissioner Ward said he had been led to believe that the new Commission members would not be voting. Commissioner Brewer said that had been his understanding, too. He notes that "...it only makes sense..." since the two new commissioners don't know the candidates. He said he "totally" disagreed with the "last minute" change.

Mr. Lara advised that the Charter guidelines had been followed the elections had been accepted. Chairman Davidson said that it could be agendized for the next meeting, but suggested that the Commission move on to Case Review. He then turned the meeting over to Vice-Chair Percy and excused himself from the meeting.

## **Closed Session**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:17 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

	<b><u>CPRC CASE NO.</u></b>	<b><u>IA CASE NO.</u></b>
1)	06-044	PC-06-08027
2)	06-025	PC-06-097-135
3)	06-009	PC-06-045-144
4)	06-043	PC-06-08024

The Commission adjourned at 6:08 p.m.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist